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REMARKS - General

By the above amendment, the applicant has rewritten all the claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

The References and Differences of the Present Invention Thereover

invention and its unobviousness over the reference.

The applicant's current invention provides a wireless personal mobile two-way message communication bases on wireless networking and Internet technology.

A common two-way communication application is instant messenger or a walkie-talkie phone. This is a completely different system from a typical mobile cell-phone communication system and its applications. A typical cell phone communication network normally involves a big number of base stations

Applicant will discuss the reference and the general novelty of the present

The applicant's current invention uses wireless access point to provide wireless

Internet access to personal mobile access device (PMAD), and using an Internet based server domain (TDMN) to provide communication commanding for the communication among the PMADs and TDMN. The roaming of PAMD among APs around the Internet creates the largest single wireless mobile networking application

(providing wireless access to cell phone terminals), back haul network and so on.

Rai (US Patent 6,421,714 B1) is to "provide end users with remote wireless access to the public internet, private intranets and internet service providers. Wireless access is provided through base stations in a home network and base stations in foreign networks with interchange agreements." (col.2, Ins35-39)", every end system device (e.g. win95 computer with wireless PCS card)

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communicating with PCS mobile phone base station (fig.2, 36) then through PCS backhaul network (fig.2, 38), then to Mobile switching center (fig.2, 40, MSC) then gain PPP access to Internet or ISP.

In this embodiment, the Internet gateway device is one of the routers/servers in MSC (fig.2, 40) and PPP server in ISP (fig.2, 46). The end user (fig.2, 32)'s communication needs to come through a long way mobile base station and backhaul network and MSC (fig.2, 36,38,and 40) before it may reach internet.

The applicant's current invention is a pure Internet IP based communication
system. The TDMN is internet based, which means every component of the
domains is connecting to Internet, (fig 1A, 10, Fig. 1B-1D). TDMN is part of
Internet, or a group of server features virtual operational domain based on
Internet. Every mobile unit PMAD connects to access domain. There is no base
station and backhaul network and MSC as Rai's disclosure. Further, every PMAD
has direct Internet connection rather than establish a PPP connection going
through a PCS mobile network and convert through IWF.
In the applicant's current invention, every AP that has Internet connection is the
gateway device for PMAD to joint the TDMN service. TDMU is carried, forward,
stored by TDMN.

The Applicant's present invention provides the system function means of TDMN to ensure the receiving PMAD receives all the TDMUs when the connection between the receiving PMAD and TDMN is interrupted. However, in Rai's disclosure, there is no similar function of TDMN that is designed or able to store messages; if the communication is interrupted, the message is lost or has to be re-sent. Further, Rai does not provide communication device at other end; it is not a two way communication system where one device communication communicates with another same type of device running same protocol over the internet. Rai's disclosure is to provide end-user device (laptop computer, fig.2,

32) with PCS wireless data card to access ISP service via PPP over PCS mobile network.

Therefore, the communication system, method and function are different between Rai's disclosure and the applicant's current invention.

The Claim 16,18,21,22,25 and 27 rejections under 35 U.S.C. 102(e) as being anticipated by Rai has been overcome

The last O.A. rejected the Claims 16,18,21,22,25 and 27. Claims 16,18,21,22,25 and 27 have been rewritten. Applicant requests reconsideration of these rejections.

Rejection of Claim 16 On Rai

The last OA notes that "Rai discloses an Internet based time distributed two-way 15 personal mobile communication (fig.2) comprises: Time Distributed Massages Network (TDMN) running on Internet (figure 2 reference 30)." The applicant respectfully points out that the TDMN of the applicant's current invention is a network based on Internet; more specifically, the TDMN is a group of Internet 20 based server domain. However, according to Rai, the "wireless network 30" comprises "Wide-area wireless coverage is provided by base stations 36" and "Base stations are typically installed in cell sites by PCS (personal communication services) wireless service providers. Base stations multiplex end system traffic from their coverage area to the system's mobile switching center (MSC) 40 over wire line or microwave backhaul network 38." (fig.2, 36, 38 and 25 40: col.6. Ins 9-14). A PCS mobile phone service network modified with PPP capability is different from the Internet based TDMN. Rai's Item 34 is ".... The PMAD of the applicant's current invention has a wireless networking capability, and is in direct connection with AP with IP protocol.

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The communication system is different. Even if the PCS wireless network 30 is compared with TDMN of the applicant's current invention, however, the other end device is Internet or ISP (fig.2, 44, 46), they are not the same type of end-user device (fig.2, 32) that can directly connected to network 30. It is not a two-way communication between same type of devices like it will perform with two PMADs of the applicant's current invention. In the applicant's current invention, every communication end device PMAD is internet based and is a direct client of TDMN.

However, Rai does not provide a communication among end systems (fig.2, 32).

- Rai's disclosure is to provide Internet access for those end systems. Assuming, the end systems (fig.2, 32) of Rai do communicate, then there is no need (nor possibility) for them to send the message to go over to remote Internet and then come back to other end system that is communicating to same base station 36 or same PCS network 30. This still does not make it a two-way communication between same type of devices over Internet.
 - By comparing the PCS network 30 with the TDMN of the applicant's current invention, we can conclude these are two completely different networks. The TDMN is a group of servers running on Internet. On the other hand, Rai's PCS network is a complete PCS mobile cell phone service network with Internet uplink ports. The difference is significant.
 - The last OA also point out "a polarity of wireless Access Points (AP) connecting to Internet (figure 2, reference 36)" The applicant respectfully point out that the last OA already reference the PCS network 30 to TDMN wherein the base station 36 is already a part of the PCS network 30 (fig.2 relationship between 30 and
- 25 36). Even if we want to compare the base station 36 with wireless AP, according to Rai, the base station 36 is to connected to backhaul network 38 not to Internet directly. (fig.2, 36, 38, 44). This is different from the applicant's current invention where wireless AP is connecting to Internet.

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The last OA also point out "a polarity of Personal Mobile Access Device (PMAD) (figure 2, reference 32)" As part of a communication system, if we reference Rai's leptop computer 32 with PCS data communication card to the PMAD of the applicant's current invention, according to the discussion above and Rai's disclosure, those laptop computers 32 are not performing end-to-end two-way communication over Internet and TDMN as the application's current invention. The last OA also point out "wherein said TDMN is a group of server means operating on Internet (figure 2, reference 48, 50 and 52)". The applicant respectfully point out that the last OA already references PCS network 32 to the TDMN of the applicant's current invention. Even if we want to reference the 10 mobile switching center (fig.2, 40) and its servers (fig.2, 48, 50, and 52) to TDMN, according to Rai (fig.2, 40), this group of servers having connection to Internet (fig.2, 44) and PCS Backhaul network (fig.2, 38). This is still different from the applicant's current invention where TDMN servers only connect to 15 Internet.

The last OA also point out "wherein said wireless Access Point (AP) is a wireless networking device (col.7, lines 22-19)" According to discussion above, the last OA referencing Base station 36 to the applicant's AP. And, further according to Rai, "The base station includes an access hub and at least one access point (be it remote or collocated with the access hub). Typically, the access hub serves multiple access points" (col.7, line 22-24). It is clear that a PCS base station is a group of equipments and is different from a wireless networking AP. The last OA also point out "wherein said PMAD is a personal mobile communication device with user and media interface (col.5, lines 55-57),"

25 The applicant respectfully point out that, the complete claim of this paragraph is PMAD has wireless networking means to communicate with wireless networking AP. Rai only provides a laptop computer with wireless mobile communication to base station. The applicant suggest that the last OA pointing out Rai using

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"personal mobile communication" or PCS already shows the difference between the applicant's current invention to Rai's disclosure.

Further, the last OA omitted to reference the applicant's following claim in detail "Wherein said PMAD also has wireless networking means to communicate with said APs;" The applicant suggests that the last OA omitted this important reference means that the last OA agrees that Rai has a completely different communication system. Rai's PCS client communicates with base station with PCS mobile "airlink", a base station has no direct ability to do "wireless networking" for a client. These systems are different in end-system, wireless connection means, and the network itself.

The last OA also point out "wherein said PMAD comprising operational means to join said TDMN for communication via Internet connection (col.5, lines 55-60)". However, according to Rai, "end systems 32 (e.g., based on, for example, Win 95 personal computer) connect to wireless network 30 using external or internal modems. These modems allow end systems to send and receive medium access control (MAC) frames over air link 34" (col.5, lines 55-60). The end system 32 is in direct connection to service wireless network 30 wirelessly not through Internet(fig.2, 44). The applicant respectfully point that Rai dose not provide a communication between end system 32 to wireless network 30 via Internet (fig.2, 44). Therefore, the operational means are different accordingly as well.

The last OA also point out "wherein one of said a plurality PMAD is communicating with remote other one of said a plurality of PMAD via said TDMN (fig.2, col.8, lines 21-23, 30-32)", According to Rai (fig.2, col.8, lines 21-23, 30-32) the end systems are sending "PPP frames traveling from the end system to the IWF are sent over the MAC and air link to the base station. The base station relays these frames to the IWF in the MSC using the XTunnel protocol. The IWF delivers them to a PPP server for processing. For internet access, the PPP server may be in the same machine as the IWF..." In short, Rai provides PPP

access mechanism for end system to communicate with remote network and/or Internet. End systems are communicating with other computer on the other end. This is not a two way system where same mobile device communication to each other. Further, in fig.2 if one end system is to communicate with other end device, they will go through wireless network 30 and not internet 44. This is completely different communication from the applicant's current invention.

The last OA also points out "wherein said TDMN manages communication among said a plurality of PMADs (fig.2 reference 50, col.6, lines 26-30)"

Referencing to previous discussions, the network and end system, and communication scheme are different between Rai and the applicant's current invention. Therefore, the communication management is different. Specifically, Rai's network 30 is design to providing PPP connection for end-system 32's that are directly connected to it. It is completely different between TDMN to manage two-way message communication for PMADs across the Internet from providing PPP connections for end-systems attached to a PCS cell phone network.

The last OA also point out "wherein said TDMN and said a plurality PMADs running correspondent operation means for joining the network and communication (col.6, lines 2-5, 38-52)". Similar to discussion above, the network and end system, and communication scheme are different between Rai and the applicant's current invention, so the operation means are different as well.

The applicant has rewritten the claim 16 to reflect the differences and novelty
over prior art. Accordingly applicant submits that the new claim does comply with
§ 102 and therefore requests withdrawal of this rejection.

The Rejection of claim 18 on Rai

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The last OA point out "Rai further teaches TDMN comprising Access Domain and Core Domain and TDMN operation means;" as:

"wherein said Access Domain comprising a plurality of Access Servers (AS) connecting to Internet (figure 2 reference 52 and 48);" "wherein further said Access Servers are connecting to a plurality of Access Point (AP) via Internet 5 (figure 2 reference 44);" The applicant respectfully point out that in Rai's disclosure Access Servers (fig.2, 52, 48) are connecting to Base Station (fig.2, 36) via backhaul network (fig.2, 38) but not the Internet (fig.2, 44). In claim rejection 16, the last OA already referenced AP as "of wireless Access Points (AP) connecting to Internet (figure 2, reference 36)", However, the last OA 10 changes the reference of AP in this rejection to "(fig.2, 44)". To the best understanding, this is considering the domain connections, however, neither base station (figure 2, reference 36) nor Internet (fig.2, 44) has the same function of the AP of the applicant's current invention. The last OA referenced two different element of Rai to the same AP. 15

The last OA also point out "wherein said Core Domain managing the communication among Access Domains (col.6, Ins 26-30);" According to Rai "Element management server 50 manages the equipment which includes the base stations, the IWFs and accounting/directory servers (col.6, Ins 26-30)" The applicant respectfully point out that it is normal for any system to have a main management server. However, because Rai has a different communication system than the system of the applicant's current invention, the function of server 50 is different from the function of "core domain."

The last OA also points out "wherein said Core Domain comprising servers with

Internet connections (fig.2 reference 52). The last OA already previously
referenced the Element management server 50 to "core domain", and packet
data Inter-working function (IWF) server (fig.2, 52) as part of Access Domain
server. The applicant respectfully suggests that it is not proper to reference it

again to other part of the element of the applicant current invention as Core (Host) domain.

The last OA also point out "wherein said TDMN operation means managing the operation of said TDMN and a plurality of PMADs (fig.2, 52, 48, and 50, col.6, Ins 25-30); and Wherein said TDMN operation means manage the message communication among said PMAD in time distributed method (fig.2, 52, 48, and 50, col.6, Ins 25-30, it is inherent that communication is time distributed)"

Referring to all the previous discussions, with all the differences, the PCS mobile network vs. TDMN, end-system with mobile connection vs. PMAD with wireless Internet connection and so on. Rai's network operation means have completely different purpose and feature from the operation means of the applicant's TDMN. Wherein the TDMN domains is hierarchical server means operational on Internet to perform the TDMN functions (Fig.1A, 1B, 1C, 1D and descriptions).

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In conclusion, the fact that the last OA has changed different elements to reference the same domain element of the applicant's current invention, and as well as considering the other discussion previously, the last OA indirectly agrees that Rai discloses a complete different system from the applicant's current invention.

The applicant has rewritten the claim 18 to reflect the differences and novelty over prior art. Accordingly applicant submits that the new claim does comply with § 102 and therefore requests withdrawal of this rejection.

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The Rejection of claim 21 and 27 On Rai

The last OA noted "Regarding claims 21 and 27, all parent limitations are disclosed above. Rai further discloses a plurality of PMADs can perform group

communication (fig.2, reference 32, as seen in the figure the end systems communicated with each other in the group of 2 or more)."

In additional to referencing to objections and discussions of parent limitations, the applicant respectfully points out even if Rai's end systems (fig.2, 32) can do group communication, this communication would only be carried out at wireless network (fig.2, 30) level and does not need to go though Internet (fig.2, 44) then loop back to local/home group. Further, the group communication in the applicant's current invention is a group message communication in two-way message communication method. Rai's end-systems 32 do not have two-way group communication capability due to there are designed to have PPP Internet

The applicant has rewritten the claim 18 to reflect the differences and novelty over prior art. Accordingly applicant submits that the new claim does comply with § 102 and therefore requests withdrawal of this rejection.

The Rejection of claim 22 On Rai

connection for Internet access.

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The last OA noted "Regarding claims 22, Rai discloses a method of time
distributed two-way mobile message communication over Internet comprising:"
"operating TDMN, wherein said TDMN operation means control the access of a
plurality of PMADs (fig.2, reference 36, col.7, lns 22-29, 35-42), wherein TDMN
manages the communication among said PMADs (fig.2 reference 30, col.6 lines
25-30), wherein said TDMN operation means ensure message exchange among
said PMADs (figure 2 reference 30, col.6 lns 20-37)."
Again, referring to discussions before, the last OA is here referencing network 30
(fig.2, 30) to the TDMN of the applicant's current invention. The applicant
respectfully point out that, network 30 is different than the TDMN of the
applicant's current invention, as:

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- the terminal device of the applicant's current invention is PMAD, the whole system is designed to provide two-way message communication among PMADs over Internet
- 2) Rai's system provides Internet access for end-system 32 with network 30
- 3) Rai's network 30 has no function needs and is unable to ensure the communication among the end-system and possibly an Internet website somewhere else, because the other side of end systems are not end-system 32. According to Rai (figure 2 reference 30, col.6 lns 20-37) is to providing IP communication between end-system 32 to Internet (fig.2, 44) over mobile wireless backhaul and switching network.

The last OA also noted that Rai "having first of said a plurality PMADs networking wirelessly to one of a plurality APs to establish Internet connection and then join said TDMN (col.5, Ins 55-60)" However, according to Rai "end systems 32 (e.g., based on, for example, Win 95 personal computer) connect to wireless network 30 using external or internal modems. These modems allow end systems to send 15 and receive medium access control (MAC) frames over air link 34"; these endsystem 32 are not mean to direct communicate to each other. Further, even if we consider the two end-system 32 of Rai are to direct to communication each other. The more logical design will be going through network 30 only without going through Internet, as Internet is a public network, there is no function means exist 20 to help communication among the end systems of Rai. In short, even the endsystems 32 of Rai is to connecting/joint network 30, there are no wireless AP and Internet in this design between the end-system (the last OA referring to PMAD) and the network 30 (the last OA referring to TDMN). Therefore, Rai and the applicant provide two completely different systems in wireless communication. 25 The last OA further noted "establishing communication between said first and second PMAD via said TDMN (fig.2, ref 32, col.7 lines 35-50, it is inherent that mobile device utilizes it software to communicate with each other)". According to Rai "an end system includes an end user registration agent (e.g., software

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running on a computer of the end system, its modern or both) that communicates with an access point, and through the access point to a wireless hub. The wireless hub includes a proxy registration agent (e.g., software running on a processor in the wireless hub) acting as a proxy for the end user registration agent. Similar concepts used in, for example, the IETF proposed Mobile IP standard are commonly referred to as a foreign agent (FA). For this reason, the proxy registration agent of the present system will be referred to as a foreign agent, and aspects of the foreign agent of the present system that differ from the foreign agent of Mobile IP are as described throughout this description. (fig.2, ref 32, col.7 lines 35-50)", that means each end-system 32 has a corresponding "proxy registration agent" running network 30 (in wireless hub, it is part of network 30). To the applicant's best understanding, if two of Rai's end-systems are to communicate, they need to go through their proxy registration agents. Since proxy registration agent are part of network 30, then there is not Internet connection needed in this communication. In other words, two end system of Rai can communicate by the network 30 with no Internet connection. This is not an Internet based communication system.

The applicant has rewritten the claims to reflect the differences and novelty over prior art. Accordingly applicant submits that the new claim does comply with § 102 and therefore requests withdrawal of this rejection.

The Rejection of claim 25 On Rai

The last OA noted "Regarding claim 25, all the parent limitations are disclosed above, it is inherent that the TDMN means control and ensure the sending and receiving of the message among plurality PMADs as part of the network operations." To the best understanding, the last OA is referring Rai's network 30 to control and ensure the sending and receiving of the messages among plurality of PMAds. However, as discussed above, if we refer the message

invention.

communication among the end systems without Internet connection and just with network 30 itself, this is a complete different communication from the applicant's current invention. If we follow Rai's design purpose, providing PPP Internet connection for the end systems, network 30 is just a client of whole Internet (fig.2, 44), it is impossible for network 30 to control and ensure the communication on the Internet (fig.2, 44) side.

In conclusion, Rai's network cannot and does not provide the feature to control and ensure the message communication as the design of the applicant's current

Therefore, the applicant respectfully submits that the last OA reject Claim 25 over Rai is improper.

The applicant has rewritten the claim to reflect the differences and novelty over prior art. Accordingly applicant submits that the claim does comply with § 102 and therefore requests withdrawal of this rejection.

The Claim rejections under 35 U.S.C. 103 have been overcome

Objections to the Rejections of claim 17 and 23 On Rai and Josse

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The last OA rejects Claim 17 and 23 under 35 U.S.C. 103(a) as being unpatentable over Rai in view Josse (US Patent 6,259,925 B1)

The applicant respectfully points out that Rai does not provide a messaging system. According to Rai and all the discussion above, Rai provides a solution for laptop computer to gain Internet access via PCS mobile wireless network system. Rai's end-system cannot nor intend to do a messaging over the Internet or PCS network to another end-system. Therefore, there is no need to store undelivered message as suggested by last OA and as taught by Josse.

Even if we want to combine both Rai and Josse, the questions will be what to store and where in Rai's system to store. If the connection is dropped during the end-system of Rai accessing a web, when the connection recovers, the end-system can easily revisit the web without need of any intermediate storing. Even if we want to store and we can store something as suggested by last OA, then, what to store? The partial web page that is already downloaded to computer or the other half page remaining? This makes no technical sense at all. Further, even if Rai wants to store something, since all the network 30 is implemented to help end-system 32 to gain Internet access only, where to store? None of the devices in MSC 40 has any function means to do so.

Therefore, the applicant submits that last O∧ rejects Claim 17 and 23 under 35 U.S.C. 103(a) as being unpatentable over Rai in view Josse (US Patent 6,259,925 B1) is improper.

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The applicant has rewritten the claim to reflect the differences and novelty over prior art. Accordingly applicant submits that the new claim does comply with § 103 and therefore requests withdrawal of this rejection.

20 Rejection of claim 19,20,24 and 26 On Rai has been overcome

Regarding Rejections of claim 19 and 24

The last OS noted "Rai does not teach the PMAD comprising data packing
means of package data into information into message units, and transmit and
receive the said message units via Internet and TDMN, wherein transmitting and
receiving of said message units in time-distributed, and wherein said data
packaging means package data source into a plurality of Time Distributed
Message Units (TDMUs)" The last OS further noted "...it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have the PMADs package source data into a plurality of Time Distributed Message Units and the communication is time distributed since Examiner takes Official Notice that the data source is divided into plurality of Time Distributed Message Units and the communication is time distributed in conventional and well known."

The TDMU in the applicant's current invention is protocol means given the TDMN to control over message communication. It is normal to convert source date into a TCP/IP package, transmit over the internet, and receiving side covers all the TCP/IP packages back to original. However, TCP/IP protocol does not guarantee the recovery after communication interruption, eg, a system time out, or network communication interruption will cause the communication session to fail, and the communication session needs to be restarted, if this is communicating on a real time session, then the message will be lost forever. E.g. the example as suggested by last OA, if voice file is to be transmitted, and the source is packaged in to multiple message units (in conventional way, such as TCP/IP packet) transmitting over Internet, and when communication interruption happened either transmit end or receiving end, the conventional communication session is terminated. It is impossible to restart, or continue the remaining part of message unit communication. The voice file is lost in this case. In the embodiment of the applicant's current invention, TDMU protocol is implemented to ensure the TDMN receives a complete session from sending PMAD, as well as ensure the receiving PMAD complete receives all the TDMUs of the same massage. The applicant's current invention not only allows the regular source (file) communication among the PMADs, but also ensures any real-time type of message communication success. The time distribution of a typical communication protocol as suggested by last OA only implements as allowing a big source file to be transmitted over Internet with a group of packets (message units) in sequence. However, this type of network protocol session can be easily

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interrupted without recovery, e.g., a web page is half displayed when connection is interrupted, and a "reload" is needed when connection recovers. However, if a real-time voice message session is interrupted, then the voice is gone and cannot be "reload". The TDMN is a higher level of protocol implemented (on top of TCP/IP) to ensure complete message transmission. It has the ability to handle network interruption since the remaining message unit is stored in main network TDMN.

The applicant has rewritten the claim to reflect the differences and novelty over prior art. Accordingly applicant submits that the new claim does comply with § 103 and therefore requests withdrawal of this rejection.

Regarding Rejections of claim 20 and 26

- The last OS noted "Rai does not teach the PMAD comprising However, Examiner takes Official Notice that PMAD comprising means to convert data resource to be transferred into TDMU, means to convert the received TDMU into original format; and means to control the communication ..."
 - The TDMU in the applicant's current invention is means given the TDMN to control over message communication. It is ok to convert source date into a TCP/IP package, and transmit over the internet, and receiving side cover all the TCP/IP packages back to original. However, TCP/IP protocol does not guarantee the recovery after communication interruption, e.g., a system time out, or network communication interruption will cause the session to fail, and the communication session need to be restart, if this is communicating on a real time session, then
- session need to be restart, if this is communicating on a real time session, then the message will be lost forever. E.g. the example as suggested by last OA, if the TXT file is composed with on copy save in the device, and the source is packaged in to multiple message units (in conventional way) transmitting over internet, and when communication interruption happened either transmit end or

receiving end, the conventional communication session is terminated. There is no way to restart, or continue the remaining part of message unites communication. The TXT file is lost in this case. In the embodiment of the applicant's current invention, TDMU protocol is implemented to ensure the TDMN receives a complete session from sending PMAD and that the receiving PMAD completely receives all the TDMUs of the same massage. The applicant's current invention not only allows the regular source (file) communication among the PMADs, but also ensures any real-time type of message communication success.

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The applicant has rewritten the claim to reflect the differences and novelty over prior art. Accordingly applicant submits that the new claim does comply with § 103 and therefore requests withdrawal of this rejection.

Conclusion

For all of the above reasons, the applicant submits that the claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

Conditional Request for Constructive Assistance

- Applicant has amended the claims of this application so that they are proper, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition of allowance,
 - Applicant respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the
- undersigned can place this applicant in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

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